

# Montana Natural Resource Damage Program



New planting along a reconstructed streambank

The state of Montana obtained approximately \$130 million for restoration of injured natural resources in the Upper Clark Fork River Basin (UCFRB) through a partial settlement of its natural resource damage lawsuit against ARCO in 1999. In February 2000, the state released the UCFRB Restoration Plan Procedures and Criteria document that provides the framework for expending these restoration funds. Criteria in this document are directed toward funding the best mix of projects that will restore or replace natural resources that were injured and/or services provided by those resources that were lost due to releases of metals and other hazardous substances from ARCO and its predecessors' mining and mineral processing operations in the UCFRB. The Montana NRDP administers the UCFRB Restoration Grant process and receives annual grant applications. In January 2003, the state began its fourth grant cycle.

## REMEDICATION vs. RESTORATION What's the Difference?

**Remediation** is performed in accordance with the remedy selection provisions of the Superfund law. Remediation actions address the contamination in a manner that eliminates the most direct threats to human health and the environment. Remedies are performed in accordance with specific legal requirements that set "cleanup levels," such as water quality standards, or that require actions to be conducted in a certain manner, such as mine reclamation laws.

**Restoration** actions occur under the natural resource damages provisions of the Superfund law. Designated natural resource trustees, including the State, can obtain damages from a party responsible for the contamination to return the resource to its uncontaminated condition and to compensate for the public's loss of use of the resource. The damages are typically based on the residual injury to the resources after the anticipated effect of remedy is considered, since remedies often do not return the area to its completely uncontaminated or "baseline" condition. The damages collected can be used by the trustee to restore the injured resources to their baseline condition, to replace the lost resources, or to acquire the equivalent of the lost resources. The restoration actions being conducted along Silver Bow Creek are intended to return the area to a more natural condition.

Tailings to be removed  
from Ramsay Flats in Subarea 2

